IN THE HIGH COURT OF UTTARAKAHD
AT NAINITAL

Writ Petition No. 1837 (SS) of 2003
(Old No. 1321 of 1991)

1. Anil Kumar Chamoli, aged about 27 years son of Sri R.C. Chamoli, R/o Devkuteer, Nazibabad road, Kotdwar, District – Garhwal.

2. Rajeev Singh Gangwar, aged about 27 years, son of late Sri Udai Chandra Gangwar, R/o Village and Post Narainmau, District – Farukhabad.

.....Petitioners.

Versus

1. State of U.P. through Secretary, Technical Education Uttar Pradesh.
2. Board of Technical Education, Uttar Pradesh through its Secretary, Bansmandi Chauraha, Gurdwara Road, Lucknow.
3. Director of Technical Education, U.P., Kanpur.
4. Joint Director, Technical Education (Hills), Pauri Garhwal.

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Rajendra Dobhal, learned counsel for the petitioners and Sri H.M. Raturi, learned standing counsel for State of Uttarakhand on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. *Issue a writ order or direction in the nature of Certiorari to quashing the impugned termination order dated contained in Annexure no. 7 to this writ petition.*

b. *Issue a writ, order or direction in the nature of mandamus commanding the opposite party nos. 1 to 4 regularize the service of the petitioner without any further delay and further they may be directed not to make any other appointment in place of the petitioners.*

c. *Issue any other writ, order or direction which may deem fit and proper in the facts and circumstances.*

d. *Award the cost of the petitioner.*

The stand of the petitioners is that they were appointed as Assistant Lecture (Civil) on *ad hoc* basis in Government Polytechnic for a particular period. The said period was extended time to time. However, vide order dated 25.02.1991, the services of the petitioners had been terminated.

Appointments were given to the petitioners with a condition that they would work till the regularly selected candidates join the post.

Counter affidavit has been filed by the respondents. In the counter affidavit, it is specifically stated by the respondents that duly selected candidates have already joined the post.

In these circumstance, petitioners have no right to continue on the post. Writ petition lacks merit and as such, is dismissed. All the pending application stands rejected.

(M.M. Ghildiyal, J)

May 25, 2007
SKSHARMA